

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF IOWA  
CENTRAL DIVISION**

ANNE DAVIDSON,

Plaintiff,

vs.

KINSETH HOSPITALITY CORP.,  
and its subsidiary, KINSETH HOTEL  
CORP., and FRANK SMILLIE,  
Individually and in his Corporate  
Capacity,

Defendants.

Nos. C 05-3037-MWB

**VERDICT FORM**

On the claims of plaintiff Anne Davidson, we, the Jury, find as follows:

<b>HOSTILE ENVIRONMENT SEXUAL HARASSMENT</b>							
<b>Step 1: Verdict</b>	<p>On Ms. Davidson's claim of hostile environment sexual harassment, as explained in Final Jury Instruction No. 3, in whose favor do you find? <i>(If you find in favor of Ms. Davidson on this claim, then consider what damages, if any, she has proved on this claim in Step 2. However, if you find in favor of the defendants, then do not consider any more Steps in this section of the Verdict Form. Instead, go on to consider your verdict on Ms. Davidson's sexual discrimination claim.</i></p> <table border="1" style="width: 100%;"> <tr> <td style="text-align: center;">___ Ms. Davidson</td> <td style="text-align: center;">✓ The defendants</td> </tr> </table>	___ Ms. Davidson	✓ The defendants				
___ Ms. Davidson	✓ The defendants						
<b>Step 2: Compensatory Damages</b>	<p>If you found in favor of Ms. Davidson in Step 1, what amount, if any, do you award for the following items of "compensatory damages" on this claim, as such damages are explained in Final Jury Instruction No. 7?</p> <table border="1" style="width: 100%;"> <tr> <td style="width: 10%;">\$</td> <td>_____ for past emotional distress</td> </tr> <tr> <td>\$</td> <td>_____ for future emotional distress</td> </tr> <tr> <td>\$</td> <td>_____ for backpay</td> </tr> </table>	\$	_____ for past emotional distress	\$	_____ for future emotional distress	\$	_____ for backpay
\$	_____ for past emotional distress						
\$	_____ for future emotional distress						
\$	_____ for backpay						

<b>Step 3: Punitive Damages</b>	<p>If you found in favor of Ms. Davidson in Step 1, what amount, if any, do you award for "punitive damages" on this claim, as such damages are explained in Final Jury Instruction No. 8? <i>(Remember that punitive damages, if any, can only be awarded against defendants Kinseth Hospitality Corporation and Kinseth Hotel Corporation, but not against defendant Frank Smillie.)</i></p> <p>\$ _____ for punitive damages</p>				
<b>SEXUAL DISCRIMINATION</b>					
<b>Step 1: Verdict</b>	<p>On Ms. Davidson's claim of "sexual discrimination," as explained in Final Jury Instruction No. 4, in whose favor do you find? <i>(If you find in favor of Ms. Davidson on this claim, please go on to consider the question in Step 2. However, if you find in favor of the defendants, then do not consider any further Steps in this section of the Verdict Form. Instead, go on to consider your verdict on Ms. Davidson's "retaliation" claim.)</i></p> <table border="1" data-bbox="456 842 1399 919"> <tr> <td data-bbox="456 842 922 919">___ Ms. Davidson</td><td data-bbox="927 842 1399 919"><input checked="" type="checkbox"/> The defendants</td></tr> </table>		___ Ms. Davidson	<input checked="" type="checkbox"/> The defendants	
___ Ms. Davidson	<input checked="" type="checkbox"/> The defendants				
<b>Step 2: "Same Decision" Defense</b>	<p>Do you find that the defendants have proved their "same decision" defense to this claim, as explained in Final Jury Instruction No. 4, beginning on page 30? <i>(If your answer is "no," then consider your verdict on damages on this claim in Steps 3 and 4. However, if your answer is "yes," then you cannot award damages on this claim, because Ms. Davidson is only entitled to certain relief from the court. Therefore, if your answer is "yes," do not consider Steps 3 and 4 for this claim. Instead, go on to consider your verdict on Ms. Davidson's "retaliation" claim.)</i></p> <table border="1" data-bbox="456 1234 1399 1318"> <tr> <td data-bbox="456 1234 922 1318">___ No</td><td data-bbox="927 1234 1399 1318">___ Yes</td></tr> </table>		___ No	___ Yes	
___ No	___ Yes				
<b>Step 3: Compensatory Damages</b>	<p>If you found in favor of Ms. Davidson on this claim in Step 1, and answered "no" to the question in Step 2, what amount, if any, do you award for the following items of "compensatory damages" on this claim, as such damages are explained in Final Jury Instruction No. 7?</p> <table border="1" data-bbox="456 1486 1399 1654"> <tr> <td data-bbox="456 1486 1399 1543">\$ _____ for past emotional distress</td></tr> <tr> <td data-bbox="456 1549 1399 1606">\$ _____ for future emotional distress</td></tr> <tr> <td data-bbox="456 1612 1399 1654">\$ _____ for backpay</td></tr> </table>		\$ _____ for past emotional distress	\$ _____ for future emotional distress	\$ _____ for backpay
\$ _____ for past emotional distress					
\$ _____ for future emotional distress					
\$ _____ for backpay					

<b>Step 4: Punitive Damages</b>	If you found in favor of Ms. Davidson on this claim in Step 1, and answered "no" to the question in Step 2, what amount, if any, do you award for "punitive damages" on this claim, as such damages are explained in Final Jury Instruction No. 8? <i>(Remember that punitive damages, if any, can only be awarded against defendants Kinseth Hospitality Corporation and Kinseth Hotel Corporation, but not against defendant Frank Smillie.)</i>  \$ _____ for punitive damages	
<b>RETALIATION</b>		
<b>Step 1: Verdict</b>	On Ms. Davidson's claim of retaliation, as explained in Final Jury Instruction No. 5, in whose favor do you find? <i>(If you find in favor of Ms. Davidson on this claim, please go on to consider the question in Step 2. However, if you find in favor of the defendants, then do not consider any further Steps in this section of the Verdict Form. Instead, please notify the Court Security Officer that you have reached a verdict.)</i>  <div style="display: flex; justify-content: space-around;"> <span><input checked="" type="checkbox"/> Ms. Davidson</span> <span><input type="checkbox"/> The defendants</span> </div>	
<b>Step 2: "Same Decision" Defense</b>	Do you find that the defendants have proved their "same decision" defense to this claim, as explained in Final Jury Instruction No. 5, beginning on page 33? <i>(If your answer is "no," then consider your verdict on damages on this claim in Steps 3 and 4. However, if your answer is "yes," then you cannot award damages on this claim, because Ms. Davidson is only entitled to certain relief from the court. Therefore, if your answer is "yes," do not consider Steps 3 and 4 for this claim. Instead, please notify the Court Security Officer that you have reached a verdict.)</i>  <div style="display: flex; justify-content: space-around;"> <span><input type="checkbox"/> No</span> <span><input checked="" type="checkbox"/> Yes</span> </div>	
<b>Step 3: Compensatory Damages</b>	If you found in favor of Ms. Davidson on this claim in Step 1, and answered "no" to the question in Step 2, what amount, if any, do you award for the following items of "compensatory damages" on this claim, as such damages are explained in Final Jury Instruction No. 7?  <div style="display: flex; justify-content: space-between;"> <span>\$ _____</span> <span>for past emotional distress</span> </div> <div style="display: flex; justify-content: space-between;"> <span>\$ _____</span> <span>for future emotional distress</span> </div> <div style="display: flex; justify-content: space-between;"> <span>\$ _____</span> <span>for backpay</span> </div>	

<b>Step 4: Punitive Damages</b>	<p>If you found in favor of Ms. Davidson on this claim in Step 1, and answered "no" to the question in Step 2, what amount, if any, do you award for "punitive damages" on this claim, as such damages are explained in Final Jury Instruction No. 8? <i>(Remember that punitive damages, if any, can only be awarded against defendants Kinseth Hospitality Corporation and Kinseth Hotel Corporation, but not against defendant Frank Smillie.)</i></p> <p>\$ _____ for punitive damages</p>
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Date: 12-14-06 Time: 12:53

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Juror